

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR

**OFFICIAL
RECORD**



RECEIVED

MAY - 2 2016
MIKE COONEY
MT Dept. of Environmental Quality
Air, Energy & Mining Division
Air Quality Bureau

April 8, 2016

APR 19 2016

Shaun McGrath
Regional Administrator
United States Environmental Protection Agency
Region VIII, 8P-AR
1595 Wynkoop Street
Denver, Colorado 80202-1129

RE: Montana State Implementation Plan Actions

Dear Mr. McGrath:

For your consideration, this submittal contains proposed actions regarding the Montana State Implementation Plan (SIP). The Montana Department of Environmental Quality (Department) has worked closely with the Environmental Protection Agency (EPA) Region 8 staff in the development of the proposed SIP actions.

The actions requiring consideration are:

1. Withdrawal of UTM Coordinate System and Redefinition of Air Quality Attainment Areas
2. Incorporation by reference of federal and state statutes and regulations

Withdrawal of UTM Coordinate System and Redefinition of Air Quality Attainment Areas

Montana is withdrawing proposals submitted to the EPA by former Montana Governors for the purpose of establishing Clean Air Act §107(d) air quality planning areas. We are also proposing to redefine the geographic extent of Montana's existing air quality planning areas, as currently published in 40 CFR Part 81.327.

These prior proposals for establishing CAA §107(d) air quality planning areas using a Universal Transverse Mercator (UTM) coordinate system, which are summarized below and attached for reference, were submitted to the EPA by previous Administrations. I have been advised that the Department has worked closely with your air quality program staff and management to ensure the proposed action has been thoroughly evaluated and that all correspondence necessary to accomplish this objective is referenced.

- July 25, 2002 letter from Governor Martz – This letter requests SO₂, PM-10, lead, and NO₂ planning areas be defined using 10,000m grid intervals
- April 1, 2004 letter from Governor Martz – This letter requests 8-hour and 1-hour Ozone planning areas be defined using 10,000m grid intervals
- August 2, 2005 letter from Governor Schweitzer – This letter revises Governor Martz's prior requests and proposes to define planning areas for PM-2.5, ozone, lead and CO using 25 km by 25 km grid intervals

It is my understanding EPA has not acted on these prior proposals and that ongoing discussions between the Department and EPA have made it clear your preference remains that Montana use county boundaries in lieu of the previously proposed UTM Coordinate System for air quality planning purposes. At this time, the State of Montana concurs and as such is proposing the use of county boundaries to define and establish CAA §107(d) air quality planning areas in Montana.

We are also proposing to redefine the geographic extent of several of Montana's existing air quality planning areas, as currently published in 40 CFR Part 81.327, without revising the areas' designation status for the associated National Ambient Air Quality Standards (NAAQS). These air quality planning areas are currently defined as "Entire State" or "Rest of State" for the affected NAAQS pollutants. Montana is requesting that 40 CFR Part 81.327 be amended to redefine the areas on a "county by county" basis. For clarity, the requested changes to 40 CFR Part 81.327 are attached to this letter and formatted as currently published in the federal code.

The information contained in the attachment and proposed for SIP approval was noticed for a 30-day public comment period ending on February 9, 2015. No comments were received.

Incorporation by reference of federal and state statutes and regulations

The State of Montana amended Administrative Rules of Montana (ARM) 17.8.102 to adopt by reference current versions of federal and state statutes and regulations. The specific versions incorporated are the July 1, 2014, edition of the Code of Federal Regulations (CFR), the 2013 edition of United States Code (USC), and the September 30, 2014, edition of the ARM. The Montana Board of Environmental Review adopted these changes on May 29, 2015. They were published as final and effective rules by the Montana Secretary of State on June 26, 2015. An official, signed copy of the Notice of Public Hearing, indicating the changes made to the rule, is included with this letter. Also attached is the official Notice of Amendment, which indicates the effective date for the amended rule in the lower right-hand corner.

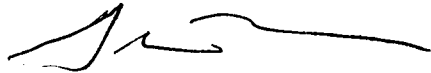
The incorporation by reference rulemaking affects several subchapters of the ARM that are included in Montana's approved SIP. We are formally submitting the revised ARM 17.8.102 as it pertains to the following incorporations by reference contained in the SIP:

- ARM 17.8.103 incorporation of 40 CFR Parts 50, 51, and 53;
- ARM 17.8.302 incorporation of 40 CFR 81.327;
- ARM 17.8.767 incorporation of 40 CFR Parts 51 and 75;
- ARM 17.8.802 incorporation of 40 CFR Parts 51 and 81.327;
- ARM 17.8.902 incorporation of 40 CFR 81.327;
- ARM 17.8.1002 incorporation of 40 CFR 81.327;
- ARM 17.8.1102 incorporation of 40 CFR 81.327; and
- ARM 17.8.1402 incorporation of 40 CFR Part 93 Subpart B.

For your convenience, the Montana Secretary of State publishes codified rules and you may view these rules in codified form on the Secretary of State's website: www.mtrules.org. The information contained in the attachment and proposed for SIP approval was noticed for a 30-day public comment period ending on August 31, 2015. No comments were received.

If you have any questions regarding this action, please contact Liz Ulrich, the Montana Department of Environmental Quality's Analysis and Planning Services Section Supervisor, by telephone at (406) 444-9741 or by email at eulrich2@mt.gov.

Sincerely,



STEVE BULLOCK
Governor

Enc. May, 2002 Robert E. Roberts letter
April, 2004 Robert E. Roberts letter
August, 2005 Robert E. Roberts letter

cc: Carl Daly, Director, Air Program, USEPA Region 8
Monica Morales, Chief, Air Quality Planning Unit, USEPA Region 8
Tom Livers, Director, Montana DEQ
David Klemp, Bureau Chief, Air Quality Bureau, Montana DEQ
Liz Ulrich, Supervisor, Analysis and Planning Services Section, Montana DEQ